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PATENT**REMARKS**

The Office Action mailed December 5, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-4 and 6-20 are pending in this application. Claim 5 has been canceled. Claims 1-4 and 6-20 stand rejected.

The title of the application has been changed to be more representative of the invention to which the claims are directed.

The objection to Claims 5-8 due to informalities is respectfully traversed. Claims 5 and 6 were redundant. Claim 5 has been canceled and Claim 6 has been amended to depend from Claim 1. Accordingly, Applicants respectfully request that the objection to Claims 5-8 be withdrawn.

The rejection of Claims 1-16 under 35 U.S.C. § 102(b) as being anticipated by either Horinouchi (U.S. Patent No. 4,517,429) or May (U.S. Patent No. 6,080,972) is respectfully traversed.

Horinouchi describes a microwave oven (1) having a cooking chamber (2), a control panel (3), a display (5), and a data entry means (6) for manually operating the microwave oven. The microwave oven includes a microprocessor (100) for controlling the microwave oven and a memory (103) for storing a plurality of cooking programs or recipes. The cooking programs include cooking conditions, principally cooking time and cooking energy level, based on a unit quantity of the food being cooked (col. 8, lines 46-48). The cooking time is adjusted by an expansion coefficient based on the actual quantity of food being cooked (col. 9, lines 6-31). Notably, after a fixed cooking program has been executed, the microwave oven is placed in a stand-by state (col. 22, lines 5-8 and col. 24, lines 19-22).

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May describes a programmable oven controller that can be remotely operated from a personal computer. A preprogrammed microprocessor (180) monitors and controls selected cooking sequences. The microprocessor has four operational modes: preheat, roast, probe, and hold. Notably, May does not describe the successive execution of cooking programs without user intervention.

Claim 1 recites a method for controlling an oven, the oven including at least one cooking element and at least one control system coupled to the cooking element, the control system including a processor, a memory, and an input interface, said method including the steps of: "receiving an initial stage user programmed cooking recipe of a multi-stage cooking operation; storing the initial stage cooking recipe in system memory; receiving at least one subsequent stage user programmed cooking recipe of a multi-stage cooking operation; storing the subsequent stage cooking recipe in system memory; and executing the initial and subsequent stage cooking recipes sequentially without further user input".

Neither Horinouchi nor May describe or suggest a method for controlling an oven, the oven including at least one cooking element and at least one control system coupled to the cooking element, the control system including a processor, a memory, and an input interface, the method including the steps of receiving an initial stage user programmed cooking recipe of a multi-stage cooking operation, storing the initial stage cooking recipe in system memory, receiving at least one subsequent stage user programmed cooking recipe of a multi-stage cooking operation, storing the subsequent stage cooking recipe in system memory, and executing the initial and subsequent stage cooking recipes sequentially without further user input. Moreover, neither Horinouchi nor May describe or suggest executing the initial and subsequent stage cooking recipes sequentially without further user input. Rather, Horinouchi describes a microwave oven that is placed in stand by mode after the execution of a cooking program. Applicants respectfully traverse the assertion in the Office Action that in Horinouchi, a subsequent stage is determined by food parameters such as quantity. The cooking programs in Horinouchi are based on a unit quantity of food (col. 8, lines 46-58). Cooking time for the

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program is then adjusted based on the actual quantity of food to be cooked (col. 9, lines 6-31, and Table II) when the program is executed.

May describes a programmable oven controller that monitors and controls a selected cooking sequence. May neither describes nor suggests the sequential execution of multiple recipes as Claim 1 recites.

Accordingly, for the reasons set forth above, Claim 1 is submitted to be patentable over either Horinouchi or May.

Claims 2-4 and 6-8 depend from independent Claim 1. When the recitations of Claims 2-4 and 6-8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-4 and 6-8 likewise are patentable over either Horinouchi or May.

Claim 9 recites a method for controlling an oven, the oven including at least one cooking element and at least one control system coupled to the cooking element, the control system including a processor, a memory, and an input interface, the method including the steps of: "receiving at least one user programmed cooking recipe from the input interface; storing the cooking recipe in system memory; recalling the user programmed cooking recipe when requested by the user; receiving a subsequent user programmed cooking recipe from the input interface; and sequentially executing the recalled recipe and the subsequent recipe without further user input".

Neither Horinouchi nor May describe or suggest a method for controlling an oven, the oven including at least one cooking element and at least one control system coupled to the cooking element, the control system including a processor, a memory, and an input interface, the method including the steps of receiving at least one user programmed cooking recipe from the input interface, storing the cooking recipe in system memory, recalling the user programmed cooking recipe when requested by the user, receiving a subsequent user programmed cooking recipe from the input interface, and sequentially executing the recalled recipe and the subsequent

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recipe without further user input. Moreover, neither Horinouchi nor May describe or suggest sequentially executing the recalled recipe and the subsequent recipe without further user input. Rather, Horinouchi describes a microwave oven that is placed in stand by mode after the execution of a cooking program, and May describes a programmable oven controller that monitors and controls a selected cooking sequence. May does not describe the sequential execution of multiple recipes without user input between recipes.

Accordingly, for the reasons set forth above, Claim 9 is submitted to be patentable over either Horinouchi or May.

Claims 10-12 depend from independent Claim 9. When the recitations of Claims 10-12 are considered in combination with the recitations of Claim 9, Applicants submit that dependent Claims 10-12 likewise are patentable over either Horinouchi or May.

Claim 13 recites a control system for an oven including at least one cooking element, the control system including: "at least one microprocessor operatively coupled to the at least one cooking element; at least one memory for storing cooking element command recipes for execution by said microprocessor; at least one display coupled to said microprocessor for displaying operating conditions and oven features; and at least one user input interface coupled to said microprocessor for user entry of cooking recipes, said microprocessor and said memory configured to execute at least one of a user-programmed multi-stage cooking recipe and a user programmed recalled recipe in response to manipulation of said user input interface, said multi-stage cooking recipe including oven settings that are automatically adjusted between a first stage and a second stage without monitoring by the user".

Neither Horinouchi nor May describe or suggest a control system for an oven including at least one cooking element, the control system including at least one microprocessor operatively coupled to the at least one cooking element, at least one memory for storing cooking element command recipes for execution by the microprocessor, and at least one display coupled to the microprocessor for displaying operating conditions and oven features, and wherein and at least

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one user input is coupled to the microprocessor for user entry of cooking recipes, and wherein the microprocessor and the memory are configured to execute at least one of a user-programmed multi-stage cooking recipe and a user programmed recalled recipe in response to manipulation of said user input interface, and wherein the multi-stage cooking recipe includes oven settings that are automatically adjusted between a first stage and a second stage without monitoring by the user. Moreover, neither Horinouchi nor May describe or suggest a microprocessor and memory that are configured to execute at least one of a user-programmed multi-stage cooking recipe and a user programmed recalled recipe wherein the multi-stage cooking recipe includes oven settings that are automatically adjusted between a first stage and a second stage without monitoring by the user. Rather, Horinouchi describes a microwave oven that is placed in stand by mode after the execution of a cooking program, and May describes a programmable oven controller that monitors and controls a selected cooking sequence. May is completely silent with regard to the execution of multiple recipes generally and without user monitoring particularly.

Accordingly, for the reasons set forth above, Claim 13 is submitted to be patentable over either Horinouchi or May.

Claims 14-16 depend from independent Claim 13. When the recitations of Claims 14-16 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claims 14-16 likewise are patentable over either Horinouchi or May.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-16 be withdrawn.

The rejection of Claims 16-20 under 35 U.S.C. § 103(a) as being unpatentable over either Horinouchi (U.S. Patent No. 4,517,429) or May (U.S. Patent No. 6,080,972) is respectfully traversed.

Horinouchi and May are described above.

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Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify the teachings of Horinouchi or May to produce the claimed invention. More specifically, as is well established, obviousness cannot be established by modifying or combining the teachings of the cited art to produce the claimed invention absent some teaching, suggestion, or incentive to do so. Neither Horinouchi nor May describe or suggest the claimed combination. Since there is no teaching or suggestion in the cited art of the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection of Claims 16-20 be withdrawn.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to modify the reference or combine reference teachings, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. *In re Vaeck*, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to modify or combine the prior art disclosures, nor any reasonable expectation of success has been shown.

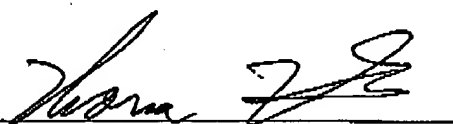
Claims 16-20 depend from Claim 13 which is submitted to be patentable over Horinouchi or May as indicated above. When the recitations of Claims 16-20 are considered in combination with the recitations of Claim 13, Applicants submit that dependent Claims 16-20 likewise are patentable over either Horinouchi or May.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 16-20 be withdrawn.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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